

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

HUNG V. TRAN,

Plaintiff,

V.

NANCY A BERRYHILL, Acting
Commissioner of Social Security,

Defendant.

CASE NO. 2:16-CV-01375-DWC

**ORDER DIRECTING PLAINTIFF TO
PROVIDE ADDITIONAL
DOCUMENTATION**

This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local Magistrate Judge Rule MJR 13. *See also* Notice of Initial Assignment to a U.S. Magistrate Judge and Consent Form, Dkt. 5; Consent to Proceed Before a United States Magistrate Judge, Dkt. 6. This matter is before the Court on Plaintiff's Stipulated Motion for Award of Attorney Fees Pursuant to the Equal Access to Justice Act, 28 U.S.C. Section 2412(d). Dkt. 20.

An application for attorney's fees under the Equal Access to Justice Act ("EAJA") must include "an itemized statement from any attorney . . . stating the actual time expended and the rate at which fees and other expenses were computed." 28 U.S.C. § 2412(d)(1)(B). An application must also include an affidavit reflecting Plaintiff's net worth did not exceed

1 \$2,000,000.00 at the time the civil action was filed. *See* 28 U.S.C. § 2412(d)(2)(B). Finally, as
2 the EAJA awards attorney's fees to "the prevailing party," an application for fees payable
3 directly to a plaintiff's attorney must include an assignment of the EAJA fee award from the
4 plaintiff to his or her attorney. *See* 28 U.S.C. § 2412(d)(1)(A); *Astrue v. Ratliff*, 560 U.S. 586,
5 598 (2010).

6 The Motion did not include an assignment of the EAJA fee award. *See* Dkt. 20. The
7 Court notes the Motion also did not include an affidavit reflecting Plaintiff's net worth did not
8 exceed \$2,000,000.00 at the time the civil action was filed; however, the Court finds this
9 requirement has been met through Plaintiff's declaration filed in support of his application to
10 proceed *in forma pauperis*. *See* Dkt. 1. Plaintiff is directed to provide to the Court with the
11 assignment of the EAJA fee award on or before June 2, 2017.

12 Dated this 12th day of May, 2017.

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15 David W. Christel
16 United States Magistrate Judge
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